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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,323	09/24/2003	Charles Allen Helfinstine	FOUND-0046	5660
33707 7590 02/12/2007 FOUNDRY NETWORKS, INC. 4980 GREAT AMERICA PARKWAY SANTA CLARA, CA 95054			EXAMINER WANG, ALBERT C	
			ART UNIT 2115	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/671,323

Applicant(s)

HELFINSTINE ET AL.

Examiner

Albert Wang

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 70-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 70-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 December 2006 has been entered. Claims 11-69 have been cancelled, and new claims 70-86 have been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 82-86 been renumbered as 83-87.

### ***Claim Rejections - 35 USC § 112***

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5. Claims 76-82 and 87 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 76 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: whether “said monitored electrical condition” in line 10 refers to “an electrical condition” in line 5 or “an electrical condition” in line 8. Claims 77-82 depend on claim 76.

Claims 77, 78, and 80-82 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: whether “said monitoring” in claims 78 and 80 refers to “monitoring” in line 5 or to “monitoring” in line 8 of claim 76; and whether “the electrical condition” in claims 77, 80 & 81 and “said electrical condition” in claim 82 refers to “an electrical condition” in line 5 or to “an electrical condition” in line 8 of claim 76.

Claim 87 recites the limitation "said electrical condition" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. Claim 70-72, 74-81, and 83-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonelli et al., U.S. Patent No. 6,201,319 (“Simonelli”), in view of Powerware Corporation, *Powerware 9170+ User’s Guide*, Rev A, 2002 (“Powerware”).

As per claim 70, Simonelli teaches a power management system for managing a plurality of modular power supplies for a computer system, the system comprising:

a monitor circuit coupled to receive information from each said power supply of a plurality of power supplies of the computer system (figs. 2, 5 & 6, MIM 114 or RIM 116 coupled to power modules 104 and battery modules 106; col. 10, lines 11-24), the plurality of power supplies for powering the computer system or subcomponents of the computer system (col. 1, lines 18-28), wherein from the information the monitor circuit is operable to identify a state of each said power supply of the plurality of power supplies (col. 6, lines 2-5 & 15-32), and to generate an alert reflective of any said state (col. 8, lines 25-49);

an alert system circuit operable to receive the alert and communicate with a user concerning the alert (fig. 6, communications card 222; col. 6, lines 33-40).

Simonelli does not expressly teach identifying a state associated with at least one group of two or more of the plurality of power supplies. Powerware teaches a power management system for managing a plurality modular power supplies (chapter 1, multi-slot cabinet holds plurality of power modules and battery modules). Powerware teaches further identifying a state associated with either the group of power modules or the group of battery modules (chapter 21, alarms). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply Powerware's method of identifying a state associated with a group of power supplies to Simonelli's power management system, in order to provide a detailed indication of needed service or maintenance.

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As per claim 71, Powerware teaches identifying a state of a plurality of said groups, each said group of the plurality of said groups comprising two or more of the plurality of power supplies (chapter 21, alarms).

As per claim 72, Powerware teaches said state associated with the group of two or more of the plurality of power supplies comprises a characteristic of the group relative to a threshold (chapter 21, alarms).

As per claim 74, Simonelli teaches the monitor circuit comprises circuitry to effectuate a grouping of respective said power supplies into said group (figs. 8 & 9).

As per claim 75, Simonelli teaches the alarm system circuit is operable to communicate with a user by taking an action selected from a set of actions comprising: initiating an electronic message to be sent to the user, writing an entry into a log, initiating a visual signal, and initiating an email to the user (col. 8, lines 25-34).

As per claim 76, Simonelli teaches a method of managing power for a computer system powered by a plurality of power supplies of the computer system, the method comprising:

powering the computer system or subcomponents of the computer system with a plurality of power supplies of the computer system (figs. 2, 5 & 6, with power modules 104 and battery modules 106; col. 1, lines 18-28);

monitoring an electrical condition of each of the plurality of power supplies (col. 6, lines 2-5 & 15-32);

grouping two or more, but less than all, of the plurality of power supplies into a group (fig. 6, battery module group and power module group).

Simonelli does not expressly teach identifying a state associated with at least one group of two or more of the plurality of power supplies. Powerware teaches a power management system for managing a plurality modular power supplies (chapter 1, multi-slot cabinet holds plurality of power modules and battery modules). Powerware teaches further identifying a state associated with either the group of power modules or the group of battery modules (chapter 21, alarms). At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply Powerware's method of identifying a state associated with a group of power supplies to Simonelli's power management system, in order to provide a detailed indication of needed service or maintenance.

As per claim 77, Powerware teaches comparing the monitored electrical condition to a threshold (chapter 21, alarms).

As per claim 78, Powerware teaches based on said monitoring, communicating the state of the group of two or more of the power supplies to the user (chapter 21, alarms).

As per claim 79, Powerware teaches the state of the group is communicated by taking an action selected from a set of actions comprising: initiating an electronic message to be sent to the user, writing an entry into a log, initiating a visual signal, and initiating an email to the user (chapter 21, alarms).

As per claim 80, Simonelli teaches based on said monitoring, performing an ameliorative act in response to the electrical condition (col. 7, lines 6-18).

As per claim 81, Powerware teaches determining whether the electrical condition has violated a threshold (chapter 21, alarms).

As per claim 83, Simonelli teaches a method comprising:

- providing power to a computer system or to subcomponents of the computer system using a plurality of modular power supplies of the computer system;
- grouping the plurality of modular power supplies into a plurality of groups, each said group comprising at least two, but less than all, of the modular power supplies;
- monitoring each of said modular power supplies and each of said groups;
- based on said monitoring, generating information concerning a state of a said group of the modular power supplies; and
- communicating said information to a user.

As per claim 84, Powerware teaches the state of the group is communicated by taking an action selected from a set of actions comprising: initiating an electronic message to be sent to the user, writing an entry into a log, initiating a visual signal, and initiating an email to the user (chapter 21, alarms).

As per claim 85, Simonelli teaches based on said monitoring, performing an ameliorative act in response to the electrical condition (col. 7, lines 6-18).

As per claim 86, Powerware teaches determining whether the state of the group of two or more of the power supplies has violated a threshold (chapter 21, alarms).

7. Claims 73, 82 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonelli/Powerware as applied to claims 70, 76 and 83 above, and further in view of Blair et al., U.S. Patent No. 6,700,351 ("Blair").



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As per claims 73, 82 and 87, controllers such as Simonelli's monitor circuit are inherently operable to store a value. Analogous to Blair's circuit storing a value (col. 9, lines 22-38), Simonelli's monitoring circuit would store a value. Blair teaches using such values to derive rate of change information (col. 12, lines 20-38).

### ***Conclusion***

#### **Examiner's note:**

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 571-272-3669. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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**CHUN CAO**  
**PRIMARY EXAMINER**